



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,324	10/27/2000	Hanna Abi-Saleh	60976-0038-US	6705

24341 7590 01/10/2006

MORGAN, LEWIS & BOCKIUS, LLP.
2 PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO, CA 94306

EXAMINER

POON, KING Y

ART UNIT PAPER NUMBER

2624

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/699,324

Applicant(s)

ABI-SALEH, HANNA

Examiner

King Y. Poon

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/11/2005 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-22 are rejected under 35 U.S.C. 102(a, b) as being anticipated by Pitt, III et al (US 5,675,520).

Regarding Claim 1: Pitt discloses method of automatically learning (learn by the CPU 28, column 3, lines 60-67 by performing computations on instructions) control sequences (operating system program instructions, inherent properties of operating system) associates with a plurality of computer application programs (column 4, line 11), comprising a data structure (fig 1, memory system 30; the office is interpreting a "data structure" to mean any organizational scheme applied to data so that operations

Art Unit: 2624

can be performed on said data. As such, the memory system 30 inherently acts as a data structure. Pitt, further discloses an operating system 56 which is a windowing system with the architecture of Windows 95 (col. 4 lines 35-44)); extracting a first set of control sequences (inherent properties of a CPU executing program instructions, see CPU, column 3, line 64; CPU's function is inherently controlled by the operating system control sequences/program instructions) while executing a first computer application program to perform a first task (i.e. col. 4 line 11, "application programs", task/the act of the application program when the applications is executed); extracting a second set of control sequence (inherent properties of a CPU executing program instructions, see CPU, column 3, line 64; CPU's function is inherently controlled by the operating system control sequences/program instructions) while executing a second computer application program (i.e. col. 4 line 11, "application programs") to perform a second task (the act of the second application program); loading said first set of control sequences and said second set of control sequences into said data structure (column 5, lines 62-67) so as to associate the first set of control sequences with the first computer application program and the second set of control sequences with the second computer application program (the first control sequence is the operating instruction used to assist the CPU to run the first application program and the second control sequence is the operating instruction used to assist the CPU to run the second application program; therefore, the first set of control sequences is associated with the first computer application program and the second set of control sequences is associated with the second computer application program) and executing said first and second computer application programs using said

Art Unit: 2624

first and second sets of control sequences in said data structure (col. 4 lines 58-63, the operating system implements program loading and termination which includes executing the first and second computer applications which both inherently include control sequences to operate the program on the operating system) to perform the first and second tasks.

Regarding Claim 2: Pitt, discloses using control sequences to open said first computer application program, perform a subroutine of said first computer application program, and close said computer application program (col. 4 lines 9-13, the application programs run on the operating system, i.e. perform a subroutine. Furthermore, col. 4 lines 58-63, the operating system implements program loading (open said computer application program) and termination (close said computer application program) which includes executing the first and second computer applications which both inherently include control sequences to operate the program on the operating system).

Regarding Claim 3: Pitt, discloses a graphical interface to prompt a user for selected control sequences (fig 6 and col. 18 lines 53-61, the dialog box 90 and application-defined controls 94 to the dialog box provide a graphical user interface that prompts a user to open a file (i.e. select control sequences of the operating system for opening a file)).

Regarding Claim 4: Pitt, discloses a spreadsheet in said graphical user interface (see fig 6 with spread sheet format).

Regarding Claim 5: Pitt, discloses using control sequences to run a computer application (col. 4 lines 9-13, the application programs run on the operating system

which includes executing the first and second computer applications which both inherently include control sequences to operate the program on the operating system).

Regarding Claim 6: Pitt, discloses using control sequences to open a computer application (col. 4 lines 58-63, the operating system implements program loading (open) which includes executing the first and second computer applications which both inherently include control sequences to operate the program on the operating system).

Regarding Claim 7: Pitt, discloses using control sequences to close a computer application (col. 4 lines 58-63, the operating system implements program termination (close) which includes executing the first and second computer applications which both inherently include control sequences to operate the program on the operating system).

Regarding Claim 8: Pitt, discloses wherein a first set of control sequences open a document associated with a computer application. In col. 4 lines 9-13, the application programs run on the operating system. Furthermore, col. 4 lines 58-63, the operating system implements program loading (open) which includes executing the first and second computer applications which both inherently include control sequences to operate the program on the operating system. In regards to opening a document, Pitt, discloses an output device 26 in fig 1 such as a printer. It follows that an application program on the operating system is capable of printing a document, which necessitates the opening of that document. As stated before, for an application program to run on the operating system, control sequences are inherent otherwise it could not function. It follows that the control sequences of the application program that offers printing include a control sequence to open a document.

Regarding Claim 9, Pitt, discloses wherein a first set of control sequences print a document associated with a computer application. In col. 4 lines 9-13, the application programs run on the operating system. Furthermore, col. 4 lines 58-63, the operating system implements program loading (open) and termination (close) which includes executing the first and second computer applications which both inherently include control sequences to operate the program on the operating system. In regards to printing, Pitt, discloses an output device 26 in fig 1 such as a printer. It follows that an application program on the operating system is capable of printing a document. As stated before, for an application program to run on the operating system, control sequences are inherent otherwise it could not function. It follows that the control sequences of the application program that offers printing include a control sequence to print a document that has been opened by another control sequence of the control sequence set.

Regarding Claim 10: Pitt, discloses wherein a first set of control sequences close a document associated with a computer application. In col. 4 lines 9-13, the application programs run on the operating system. Furthermore, col. 4 lines 58-63, the operating system implements program termination (close) which includes executing the first and second computer applications which both inherently include control sequences to operate the program on the operating system.

Regarding claims 11-20: Pitt, further discloses the operating system 56 with software store in a memory for operating the above method of Claims 1-10 (see col. 4 lines 60-63).

Regarding Claim 21: Pitt, discloses a detection method for a graphical user display for a first computer application. It is inherent that the instructions check if the application program has a graphical user interface (GUI) with a menu bar because the operating system operates each application stored in the system, and if an application has a GUI, the operating system will run that GUI. Therefore, instructions to detect a GUI exist inherently in the system.

Regarding Claim 22: Pitt, discloses extracting a first control sequence corresponding to a second control sequence when menu items are selected from said menu bar. It is inherent that the instructions extract control sequences corresponding or depending on other or second control sequences, otherwise, the application programs would not continue to run. If the application program has a graphical user interface (GUI) with a menu bar, than a selection on a menu would be a control sequence extraction and the next control sequence needed to continue expected operation of the application program would be extracted. MS Windows 95 operates multiple programs with GUI's that allow menu bar selection as known in the art.

Response to Arguments

4. Applicant's arguments filed 10/11/2005 have been fully considered but they are not persuasive.

With respect to applicant's argument that Pitt does not teach automatically learning control sequences for computer application programs as recited in claim 1; has been considered.

Art Unit: 2624

In reply: According to dictionary.com, the term "learn" has the meaning of to fix in memory or to find out. Column 3, lines 60-67, clearly teaches the CPU 28 founding out the instructions/control sequences by storing the instruction/control sequences in a memory/register.

With respect to applicant's inherency argument has been considered.

In reply: Long (US 5,890,014), column 5, lines 30-45 teaches what an operating system is a software program (a program is a collection of executable instructions/control sequence) that CONTROLS the FUNCTION of the MICROPROCESSOR in an organized manner. Varies PORTIONS of the operating system and whichever application programs are in the process of being EXECUTED are TYPICALLY contained in a HIGH SPEED memory connected to the microprocessor and reside in the memory in an organized form such that INSTRUCTION SEQUENCE are readily available to the microprocessor for execution.

Gavril (US 4,004,277) column 21, lines 1-5 teaches ALL application program is scheduled for execution by the operating system SOFTWARE (control sequence) of the main computer 10.

Plow (US 4,408,273) column 1, lines 20-30 teaches an operating system consists a set of supervisory routines (control sequences) for CONTROLLING the operating of a computer system. An application program is a program written to do A USER'S JOB (perform a task automatically) and is loaded into main storage and executed under the supervision of the operating system's task manager.

Art Unit: 2624

Matsumoto (US 4,476,528), column 1, lines 10-15) teaches applicant program executed in a computer are divided into a plurality of units and the execution of EACH unit is managed under the CONTROL of an operating system.

Pickett (US 6,076,156), column 1, lines 50-65) teaches operating system such as Window, UNIX etc. are used to schedule tasks, allocates storage, handles the interface to peripheral hardware, and present a default INTERFACE to the USER when no application program is running.

The examiner has conducted a search on operating system and application program, in the US Patent database. There are over 49000 hits and the examiner has not found a single Patent or reference that disagree with the examiner's inherent statement.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is 571-272-7440. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 6, 2006

A handwritten signature in black ink, appearing to read 'K. Y. Poon', with a stylized flourish at the end.

KING Y. POON
PRIMARY EXAMINER